



COMMONWEALTH OF KENTUCKY
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20-ORD-200

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In re: Chris Lewis/Harlan County Health Department

Summary: Harlan County Health Department (“Department”) violated the Open Records Act (“the Act”) when it denied an open records request because the request was not on the Department’s preprinted form.

Open Records Decision

On July 31, 2020, Chris Lewis (“Appellant”) submitted a written request to the Department to inspect or obtain copies of public records. The request included his signature, his name legibly printed, and a description of the records. In response, the Department did not provide the requested records. Instead, the Department sent him a preprinted “Local Health Department Open Records Request Form” and stated that the Department would not attempt to locate responsive records until it received the completed form. This appeal followed.

Following a rule first announced in 1976, *see* OAG 76-588, this Office has historically found that a request in writing containing the applicant’s signature, legible printed name, and a description of the requested records, satisfies the requirements of KRS 61.872(2), whether or not submitted on the public agency’s form. *See, e.g.*, 19-ORD-088; 12-ORD-167; 03-ORD-086; 94-ORD-101. Here, the Department’s form requires the applicant to provide information not required by the Act, including a company name, mailing address, daytime phone number, and e-mail address. Thus, the Department violated the Act when it required Appellant to complete its form.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings.

Daniel Cameron
Attorney General

/s/ James M. Herrick

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